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July 12, 2023

VIA ECF

Honorable Robert Kirsch
United States District Judge
United States District of New Jersey Courthouse
402 East State Street
Trenton, NJ 08608

Re: CoreCivic Inc. v. Philip D. Murphy et al – Index No.: 23-cv-00967

Dear Judge Kirsch:

This firm represents Plaintiff CoreCivic Inc. in the above-referenced action. We write to call the Court's attention to an aspect of the text order (Dkt. No. 33) entered following the Court's call with counsel on Monday July 10 that differs from what the Court had directed during that call, and to request amendment of the text order as set forth below.

Early in Monday's call, the Court asked Mr. Chen, as counsel to the State of New Jersey, the date by which he proposed to submit opposition to CoreCivic's pending motion for a preliminary injunction. Mr. Chen proposed Monday, July 17, and the Court accepted that date. Discussion later turned to what submissions, if any, the United States intended to make. Stephen Ehrlich, on behalf of the United States, advised that it intended to commence an action on the same subject matter, to be consolidated, by July 17, and to apply for preliminary relief either with that application, or by July 19.

The Court then turned to discussion of scheduling in response to the United States' submissions and directed that Defendants submit any opposition on the United States' application by July 26, 2023, with CoreCivic and the United States to file any reply brief by 12:00 p.m. on August 2, 2023. In setting the July 26 date for Defendants, the Court observed, and Mr. Chen agreed, that this would be sufficient time because Defendants' arguments would substantially overlap with those from their July 17 opposition to CoreCivic's preliminary injunction application.

The text order at Dkt. No. 33 directs that Defendants submit opposition to both CoreCivic's pending preliminary injunction application, and to any such application the United States may bring, by 12:00 p.m. on July 26, 2023. In other words, it does not include the July 17 date for Defendants' opposition to CoreCivic's pending preliminary injunction application, which date Mr. Chen had proposed and the Court had accepted.

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We respectfully ask that the Court direct that the text order at Dkt. No. 33 be amended to accord with the dates set on Monday's call. To the extent it may be of assistance, we propose the order be amended to read, in its entirety, as follows (proposed new text **in red** below):

TEXT ORDER: This matter comes before the Court upon Plaintiff's Motion for a Preliminary Injunction (ECF No.[17]). The Court held a telephonic conference with the parties and an attorney for the United States on July 10, 2023. The attorney for the United States represented that the United States indicated an intent to file a separate lawsuit on the same subject matter by 12:00 p.m. on July 17, 2023, and if so, intends to file for a preliminary injunction by 12:00 p.m. on July 19, 2023. Defendant must file its responsive brief to Plaintiff's motion (ECF No.[17]) **by July 17, 2020** and, if filed, to the United States' Motion for a Preliminary Injunction by 12:00 p.m. on July 26, 2023. Plaintiff CoreCivic and the United States must file any reply brief by 12:00 p.m. on August 2, 2023. The Court will hold an in-person hearing on the preliminary injunction motions with all parties on Monday, August 14, 2023 at 10:00 a.m. in Courtroom 4E at the Clarkson S. Fisher Federal Building & U.S. Courthouse in Trenton before Judge Robert Kirsch. Each party stated that they do not seek witness testimony but rather, will rely on oral argument and their written submissions. So Ordered by Judge Robert Kirsch on 07/10/2023.
(Markey, P)

Respectfully,



Bradley D. Simon

cc: David Chen (via ECF)
Nathaniel Levy (via ECF)
Stephen Ehrlich (via email)